

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

APPLICATION OF JOHN M. O'QUINN FOR PSC

TO THE HONORABLE JUDGE GOODWIN:

In accordance with Pre-trial Order 2, please accept this application of the undersigned, John M. O'Quinn, to be a member of the Plaintiff's Steering Committee. I have Digitek cases in this MDL and will continue to file in this MDL. As set forth in support of this Application, I am willing and available to commit to this project, have a proven ability to work cooperatively with others, and have the requisite experience in this type of litigation.

1. I am the founding attorney of The O'Quinn Law Firm. I have extensive experience in prosecuting and litigating pharmaceutical complex cases. A copy of my Curriculum Vitae is attached hereto, along with a Certificate of Good Standing. Further information may be found at my firm website, <http://www.oqlaw.com>.

2. I obtained a Bachelor of Science degree from the University of Houston in 1965. I obtained a Juris Doctorate from University of Houston Law Center in 1967, graduating *magna cum laude*. My legal practice has focused on litigation on behalf of the injured.

3. I am AV-rated by Martindale-Hubbell. My firm has more than twenty experienced trial lawyers.

4. In 2004, I was the leader of three trial lawyers, who together, tried a phen fen case to a record verdict of over \$1 billion for the wrongful death of one user of phen fen. Additionally, I and my firm prosecuted 2,000 to 3,000 other phen fen cases to successful settlements. Beginning in 1990, my firm and I began prosecuting 1,000 breast implant cases

against the four different manufacturers of silicone breast implants. Over the next 15 years, I, as the lead trial lawyer, tried 5 of those breast implant cases to verdicts and trial court judgments. My clients won all 5 trials, and the average verdict and judgment were over \$10 million a case. The other breast implant cases were successfully settled. Further, I tried the liability issues in a class action established by the Louisiana state courts for thousands of Louisiana women injured by breast implants made and sold by Dow Corning. The jury verdict was in favor of the class action plaintiffs on every liability issue including defective design, defective marketing, etc. Currently, I represent numerous clients in other mass tort pharmaceutical litigation cases. I have successfully tried many other cases to a verdict in my career. I always represented the Plaintiff and over 90% of the verdicts were for the plaintiff.

5. I support the plaintiffs' structure proposed to this Court by Teresa Toriseva, Fred Thompson and Carl Frankovitch. Should the Court appoint me to the PSC, I intend to participate fully and cooperatively in the litigation and commit to doing everything possible to get the cases to trial. I believe I have the resources and experience to assist the plaintiffs in this process to the benefit of all of the clients.

Dated:

10-20-08

John M. O'Quinn, Esq.